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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/469,791	12/22/1999	CHARLES ROBERT KALMANEK JR.	2685/5248	5383

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EXAMINER

JAGANNATHAN, MELANIE

ART UNIT	PAPER NUMBER
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2666

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9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/469,791

Applicant(s)

KALMANEK ET AL.

Examiner

Melanie Jagannathan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claims 4, 6-7, 10, 15, 23 are objected to because of the following informalities: It is suggested Applicant provide consistent terminology for the first, second and third networks. The claim language recites the first and second network coupled through a third network and then the first and third networks coupled through a second network. Additionally, the second network is disclosed as a backbone network and then disclosed as an access network. Examiner kindly suggests consistent terminology with regards to the networks. Appropriate correction is required.
2. Claim 21 is objected to because of the following informalities: "reserves" should be changed to "reserve". Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitations "the originating interface unit" and "the originating gate controller in lines 8 and 9 and the limitations "the terminating interface unit" and "the

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terminating gate controller in lines 10 and 11. There is insufficient antecedent basis for these limitations in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 2,5 are rejected under 35 U.S.C. 102(e) as being anticipated by Sengodan US 6,490,275.

Regarding claim 2, the claimed reserving, for at least one call, network resources associated with a first network according to its own reservation policy and based on an indication from calling party, and reserving, for at least one call, network resources associated with a second network according to its own reservation policy and based on an indication from called party, the second network being coupled to the first network wherein the indication from the calling party being a setup message sent from the originating interface unit to the originating gate

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controller and the indication from the called party being a setup message sent from the terminating interface unit to the terminating gate controller is anticipated by user places a call from an endpoint (Figure 2, element 220) using an Admission Request message (element 250) carrying the bandwidth the endpoint requires for the duration of the call and destination endpoint (element 230) returns a message (element 260) also carrying the bandwidth the endpoint requires, where each endpoint uses a distinct gatekeeper. See column 6, 50-55 and column 7, lines 8-21. Figure 1 discloses communication systems where computers connected to a LAN can communicate with phones connected to PSTN (element 150), digital phones connected to ISDN (element 154). See column 2, lines 29-50.

Regarding claim 5, the claimed reservation policy for the first network differing from reservation policy for the second network is anticipated by networks being PSTN, B-ISDN, N-ISDN and LAN all with different reservation policies.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

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evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 3, 4, 6-7, 10, 15-16, 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sengodan in view of Ash et al. US 6,590,867.

Regarding claim 3, Sengodan discloses all the limitations except for the claimed indication from the calling party being a first setup message indicating a maximum limit for the network resources within the first network and the claimed indication from the calling party being a second setup message indicating a maximum limit for the network resources within the second network. Ash et al. discloses an originating router receiving packets from NISDN, BISDN or IP users and determining equivalent bandwidth needed based on bandwidth indication for the class of service indicated from the initial set-up and using the load state of the links based on link bandwidth threshold. See column 2, lines 19-48, lines 61-67, column 3, lines 1-5 and column 4, lines 7-33. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the setup message of Sengodan to include the maximum limit for network resources of Ash et al. One of ordinary skill in the art would be motivated to do this for efficient allocation of resources in order to properly transmit packets.

Regarding claim 4, Sengodan discloses all the limitations of the claim except for the claimed first and second network being coupled through a third network and the claimed indication from the calling party being a first setup message indicating a maximum limit for the network resources within the first network and the claimed indication from the calling party

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being a second setup message indicating a maximum limit for the network resources within the second network. Ash et al. discloses an originating router receiving packets from NISDN, BISDN users with those networks coupled through an IP network and the originating router determining equivalent bandwidth needed based on bandwidth indication for the class of service indicated from the initial set-up and using the load state of the links based on link bandwidth threshold. See column 2, lines 19-48, lines 61-67, column 3, lines 1-5 and column 4, lines 7-33. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Sengodan to include the backbone network and maximum limit for network resources of Ash et al. One of ordinary skill in the art would be motivated to do this for proper connectivity and efficient allocation of resources in order to properly transmit packets.

Regarding claims 6, 10, the claimed reservation policy of first network relates to a per call basis and reservation policy for the second network relates a multiple call basis is disclosed by multipoint control unit (Figure 1, element 140) that supports conferences between three or more endpoints of the different networks. See column 3, lines 19-28. Sengodan does not disclose the claimed first network being an access network, another access network and a backbone network connected to both access networks network. Ash et al. discloses IP backbone network connected to ISDN access networks. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Sengodan to include access networks coupled to backbone network of Ash et al. One of ordinary skill in the art would be motivated to do this to provide connectivity between sub-networks.

Regarding claim 7, the claimed reservation policy of first network relates to a per call basis and reservation policy for the second network relates a per call basis is disclosed by

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admission request messages indicating necessary bandwidth for call between one endpoint in one network to another endpoint in other network. See column 6, 50-55 and column 7, lines 8-21 and column 2, lines 29-50.

Regarding claim 15, Sengodan discloses all of the limitations except for network resources associated with a third network being reserved for the one call according to third network's reservation policy based on second setup message and second reserve message, the third network coupled to first network through the second network. Ash et al. disclose ISDN networks coupled through IP network where initial set-up for call indicates bandwidth needed for call based on load link information and class of service for call. See column 2, lines 19-48, lines 61-67, column 3, lines 1-5 and column 4, lines 7-33. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Sengodan to include the third network of Ash et al. One of ordinary skill in the art would be motivated to do this for proper routing of voice calls through packet-switched networks.

Regarding claim 16, 19-21, Sengodan discloses all of the limitations except for selecting a reservation policy from a plurality of reservation policies associated with the second network. Ash et al. discloses reserving resources based on different levels of service where calls with higher priority would require a different reservation policy than a lower priority call. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Sengodan to include a plurality of reservation policies. One of ordinary skill in the art would be motivated to do this for proper routing of communication with varying levels of quality of service through networks with varying topologies and media.



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Regarding claims 22, 23, Sengodan discloses claimed originating interface unit (Figure 2, element 220), terminating interface unit as endpoint (Figure 2, element 230), and originating and terminating network edge devices as gatekeepers each connected to endpoints (elements 220, 230). See column 6, lines 50-55.

Sengodan discloses all the limitations except for backbone network. Ash et al discloses IP backbone network connected to ISDN access networks. At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Sengodan to include access networks coupled to backbone network of Ash et al. One of ordinary skill in the art would be motivated to do this to provide connectivity between sub-networks.

9. Claims 8-9, 17-18, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sengodan in view of Hin US 5,678,008.

Sengodan discloses all the limitations of the claims except for reservation policy for the first network relating to bi-directional capacity and the reservation policy for the second network relating to uni-directional and bi-directional capacity. Hin discloses setting up a call between two terminals for uni-directional or bi-directional connections and verifying that called terminal conforms to requirements in terms of resources expressed by requester terminal. See column 9, lines 25-30. At the time the invention was made it would have been obvious to modify Sengodan to reserve resources for uni-directional and bi-directional connections. One of ordinary skill in the art would be motivated to do so to allocate sufficient resources for forward and reverse directions of communication.

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10. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sengodan and Ash et al. in further view of Hin.

Sengodan discloses the claimed setup message indicating a network resources to be reserved and receiving reserve message and reserving, for one call, the network resources based on received setup message by user placing a call from an endpoint (Figure 2, element 220) using an Admission Request message (element 250) carrying the bandwidth the endpoint requires for the duration of the call and destination endpoint (element 230) returns a message (element 260) also carrying the bandwidth the endpoint requires, where each endpoint uses a distinct gatekeeper. See column 6, 50-55 and column 7, lines 8-21.

However, Sengodan does not disclose the claimed indication from the calling party being a first setup message indicating a maximum limit for the network resources within the first network. Ash et al. discloses an originating router receiving packets from NISDN, BISDN or IP users and determining equivalent bandwidth needed based on bandwidth indication for the class of service indicated from the initial set-up and using the load state of the links based on link bandwidth threshold. See column 2, lines 19-48, lines 61-67, column 3, lines 1-5 and column 4, lines 7-33.

Sengodan and Ash, in combination, disclose all the limitations of the claim except for reservation policy relating to bi-directional capacity. Hin discloses setting up a call between two terminals for uni-directional or bi-directional connections and verifying that called terminal conforms to requirements in terms of resources expressed by requester terminal. See column 9, lines 25-30.

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At the time the invention was made it would have been obvious to modify the setup message of Sengodan to include the maximum limit for network resources of Ash et al and to modify Sengodan and Ash et al. to reserve resources for uni-directional and bi-directional connections. One of ordinary skill in the art would be motivated to do this for efficient allocation of resources in order to properly transmit packets and to allocate sufficient resources for forward and reverse directions of communication.

Regarding claims 12-14, Sengodan discloses the claimed sending of a backbone reserve message to a second network coupled to the first network, network resources associated with second network being reserved for the at least one call. The backbone reserve message is interpreted as a second message to reserve resources for the second network which is disclosed by admission request message indicating needed bandwidth for call (Figure 2, element 260). See column 7, lines 8-21.

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 2-24 have been considered but are moot in view of the new ground(s) of rejection. Although claims 2-24 were indicated allowable in office action mailed 2/3/2003, further examination revealed claims do not represent allowable subject matter resulting in a new grounds of rejection. Examiner regrets any inconvenience.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Guy et al. US 5,940,479 disclose resource reservation in a system coupling PSTN networks through a WAN.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 703-305-8078. The examiner can normally be reached on Monday-Friday from 8:00 a.m.-4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 703-308-5463. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Melanie Jagannathan  
Patent Examiner  
AU 2666

MJ *ms*

*Seema S. Rao*  
**SEEMA S. RAO** 8/25/03  
**SUPERVISORY PATENT EXAMINER**  
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